

**TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
May 25, 2021**

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, May 25, 2021 via hybrid meeting. Mayor Royce Pindell called the meeting to order at 7:00 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darwin Harrell
Whitney Oakley
Rich Pulliam - *excused*
Denice Smith
Donna Sus
Larry Vittum

Staff Present: Trish Stiles, *Town Administrator*
Rachel Summers, *Deputy Town Administrator*
Taeler Houlberg, *Assistant to the Town Administrator*
Alison Belcher, *Assistant Communications Director*
Sara Aragon, *Community Development Manager*
Daymon Johnson, *Capital Projects Director*
Corren Lind, *Executive Services Manager*
Dan Giroux, *Town Engineer*
Melinda Culley, *Town Attorney*
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, Zach White

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Royce Pindell.

3. APPROVAL OF AGENDA

TRUSTEE VITTUM MOVED, MAYOR PRO TEM HARRELL SECONDED to approve the agenda as presented.
The voting was as follows:

YES: Oakley, Pindell, Smith, Sus, Vittum, Harrell

NO: None

EXCUSED: Pulliam

Mayor Royce Pindell declared the motion carried by unanimous vote.

4. CONSENT AGENDA

MAYOR PRO TEM HARRELL MOVED, TRUSTEE VITTUM SECONDED to approve the consent agenda as presented.

YES: Pindell, Smith, Sus, Vittum, Harrell, Oakley

NO: None

EXCUSED: Pulliam

Mayor Royce Pindell declared the motion carried by unanimous vote.

A. Action: Approval of May 11, 2021 Regular Meeting Minutes

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments.

5. REGULAR BUSINESS

A. Public Hearing

1. WOODY'S Wings 2, Inc. – New Liquor License Application

Mayor Pindell called the matter of WOODY'S Wings 2, Inc. new liquor license at 670 East Colfax, Avenue to order. The public hearing was opened at 7:02 p.m.

Christina Hart, Town Clerk, stated that in accordance with Colorado State Statute, notice of the public hearing was properly posted and published in the Eastern Colorado News on February 26, 2021. Legal #2458.

There were no disclosures from the Board of Trustees.

Christina Hart, Town Clerk, reported to the Board of Trustees WOODY'S Wings 2, Inc. (d/b/a WOODY'S Wings 2) restaurant opened its doors at 670 East Colfax Avenue in Bennett on April 10, 2021. Since that time, the Clerk's Office has been working with WOODY'S Wings 2 to obtain a new retail liquor license for the establishment.

Kenneth Graham, owner of WOODY'S Wings 2, submitted the completed DR8404 Colorado Liquor Retail License application for a new retail liquor license on March 25, 2021. Per Colorado State Statute requirements, the notice of public hearing was posted at the WOODY'S Wings 2 location for ten days.

The following requirements for a new retail liquor license have been met:

- The license is the proper type of license to be issued.
- The applicable State and Town applications and license fees have been submitted.
- The Woody's Wings 2 premises is not within 500 feet of any public or parochial school or the principal campus of any college, university or seminary.
- Woody's Wings 2 has a valid sales tax license.
- The applicant's character, record and reputation are satisfactory based on the Colorado Bureau of Investigation (CBI) fingerprinting and background check.
- The applicant sustains the burden of proof that the proposed granting of a DR8404 New Retail Liquor License will be consistent with the desires of the adult inhabitants and the reasonable requirements of the neighborhood.
- The applicant is in possession of the proposed premises.
- The health, safety and welfare of the neighborhood will not be adversely affected should the license be issued.
- All State and Town statutes, code, ordinances and regulations have been met or are satisfied.

Staff recommends the Local Licensing Authority approve the DR8404 New Retail Liquor License thereby licensing WOODY'S Wings 2 to sell fermented malt beverages at its establishment in the Town of Bennett.

Mayor Pro Tem Harrell, asked if WOODY'S Wing's 2 would be selling bottled beer or draft beer only? Ms. Hart responded they would be selling draft beer at this time.

Trustee Sus asked if WOODY'S Wings 2 would be offering "to go" beer sales.

Public Comments

There were no public comments presented.

Mayor Pindell closed the public hearing on WOODY'S Wings 2, Inc. new liquor license application at 7:12 p.m.

Trustee Vittum, reported he has no concerns or objections to approving the new liquor license.

Trustee Oakley, reported she is in favor of the application.

Trustee Smith, reported she is in favor of the liquor license application.

Mayor Pro Tem Harrell reported he is in favor of the application

Trustee Sus reported she is in favor of the application.

Mayor Pindell reported he has visited WOODY'S Wings and is in favor of the liquor license application.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE VITTUM SECONDED to approve a retail liquor license for WOODY’S Wings 2, Incorporated at 670 East Colfax Avenue in Bennett, Colorado thereby licensing WOODY’S Wings 2 to sell fermented malt beverages. The voting was as follows:

- YES: Smith, Sus, Vittum, Harrell, Oakley, Pindell
- NO: None
- EXCUSED: Pulliam

Mayor Royce Pindell declared the motion carried by unanimous vote.

2. CO Highway 79 and Marketplace Drive Intersection – Mast Arm Purchase

Daymon Johnson, Capital Projects Director, reported to the Board of Trustees, the Town hired the consulting firm of SEH to design the road improvements for the CO Highway 79 and Marketplace Drive intersection (RFP20-011). This project is currently budgeted in the Sales Tax Capital Improvement Projects Fund. As a part of this design process, Town staff and our consultants have considered many alignments and signalization layouts and have recently finalized both.

The design of the intersection and signalization was a collaborative process and has been approved by the Colorado Department of Transportation (CDOT). Upon completion of this project, CDOT will maintain all signal equipment and operations. In order to implement the signal project, the Town has to install mast arms, which are the structural apparatus to which the traffic signals are attached.

Because of the substantial lead-time associated with mast arms, the Town solicited pricing with assistance from SEH, from the only two local manufacturers in the Denver area.

Buying direct is advantageous for the town for several reasons. First, it allows the Town to acquire the materials today, assuring the equipment will be available well before the desired installation date. Second, the Town will not be paying a markup from the selected contractor performing the remainder of the intersection and signal improvements.

The pricing breakdown is as follows:

Company	Pricing
Illumination Systems, Inc.	\$67,645.00
The MH Companies	\$88,135.00

As a part of this solicitation, SEH and Town Staff vetted each proposal, ensuring the pricing accurately reflected the proposed intersection and signalization layout. This process also included a meeting and discussion with both firms. Both Town Staff and SEH are comfortable with Illumination Systems’ proposal and their ability to provide these mast arms in a timely manner.

Staff recommends the Board of Trustees waive the Request for Proposal (RFP) requirements and authorize the Town Administrator to execute a contract with Illumination Systems, Inc., in a not-to-exceed-amount of \$67,645, for the direct purchase and delivery of the mast arms for the Highway 79 & Marketplace intersection project.

Daymon Johnson reported to the Board of Trustees the Town of Bennett is purchasing the signalization equipment, but CDOT (Colorado Department of Transportation) will oversee the maintenance and timing of the signalization equipment.

Mr. Johnson also reported the mast arms will be palletized and stored at the Waste Water Treatment Facility (WWTF). The lead time for the poles are 4-6 weeks. Mr. Johnson confirmed four poles will be ordered for the Marketplace Drive intersection. The right-of-way (ROW) acquisition has been completed.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE SMITH SECONDED to waive the Request for Proposal (RFP) requirements and authorize the Town Administrator to execute a contract with Illumination Systems, Inc., in a not-to-exceed-amount of \$67,645, for the direct purchase and delivery of the mast arms for the Highway 79 & Marketplace intersection project. The voting was as follows:

YES: Sus, Vittum, Harrell, Oakley, Pindell, Smith

NO: None

EXCUSED: Pulliam

Mayor Royce Pindell declared the motion carried by unanimous vote.

3. Reclaimed Water Pump and Treatment Station Request for Proposal (RFP)

Robin Price, Public Works Director, reported to the Board of Trustees in 2019 the Town of Bennett received an Adams County Open Space Grant to implement a reclaimed water system and deliver reclaimed water for irrigation use at key Town parks. The reclaimed systems an integrated part of the Town's Wastewater Reclamation Facility (WWRF). Due to the scale and scope of the project, it was divided into phases. The first phase of the reclaimed water system included relining the former treatment lagoon for storage, piping to divert treated effluent from the WWRF, pumping station, concrete manhole, submersible pumping system, and two automated metering construction water truck fill-stations and one mobile station. The construction and commission of the first phase was completed in December of 2020, enabling the Town use of Category 1 treated effluent.

Following the completion of phase, I, the Town began preparing for the second phase of the reclaimed water system. This phase includes the engineering design of the reclaimed water pumping, treatment station, and transmission pipeline. This phase will include designing the transmission infrastructure and provide recommendations for necessary upgrades to the current irrigation systems to successfully deliver reclaimed water to Town properties. The basis of the design is to deliver reclaimed water from the Town's WWRF through Trupp Park south to Civic Center Park.

The Town solicited proposals from consultants in the request for proposal (RFP) 21-003 issued on March 30, 2021, and proposals were due on April 19, 2021. The response was successful with a result of three highly qualified engineering firms responding. A summary of the submitted proposals are as follows:

Consultants	Cost
Aqua Engineering	\$130,980
MSK Consulting	\$183,410
Diamondback Engineering	\$205,760

Of the three firms, the Town has worked with Aqua Engineering. The other two firms the Town has interviewed and come highly recommended.

After receiving the proposals, myself, Ricky Martinez (Utilities Services Supervisor) and Dan Giroux (Town Engineer) reviewed and investigated all proposals. The team decided to hold interviews for the top two firms, Aqua Engineering and MSK Consulting. After interviews and research, the Town recognized the significant variance in the MSK Consulting proposal was due to the alternative treatment levels and CDPHE guidelines for Category 1 and 2. Following this discovery, the staff asked MSK Consulting to revise their proposal and modify the scope to limit to a Category 1 treatment level for a comparable bid evaluation.

Consultant	Revised Cost
MSK Consulting	\$105,960

After a thorough evaluation of all bids and consultants, Staff feels comfortable with both firms performing the work. Both have a proven track record with successful projects and delivery.

Staff recommends the Board of Trustees award **MSK Consulting the Category 1 Reclaimed Water Pump and Treatment Station and Transmission Pipeline Project Engineering Design Contract** project for an amount not to exceed **\$105,960**.

The Staff's recommendation is based on MSK Consulting's experience with Regulation No. 84 (CDHPE Reclaimed Water Control Regulation). More specifically, the firm's principal, Dave Takeda's, 25 years of experience with public and private clients on several recycled water projects.

TRUSTEE OAKLEY MOVED, TRUSTEE VITTUM SECONDED to authorize the Mayor and the Town of Bennett to enter into a Standard Town Contract Agreement with MSK Consulting for the Category 1 Reclaimed Water Pump and Treatment Station and Transmission Pipeline Project Engineering Design for an amount not to exceed \$105,960. The voting was as follows:

YES: Vittum, Harrell, Oakley, Pindell, Smith, Sus

NO: None

EXCUSED: Pulliam

Mayor Royce Pindell declared the motion carried by unanimous vote.

4. Appointment of a Second Clerk Pro Tem

Christina Hart, Town Clerk, reported to the Board of Trustees Per C.R.S. § 31-4-303 and Section 2-5-50(c) of the Bennett Municipal Code, the Board of Trustees have the authority to appoint a Clerk Pro Tem to perform the duties of the Town Clerk during the Town Clerk's absence or inability to act.

In order to ensure the continual operation of the Town of Bennett and to create more redundancy across positions, staff requests that the Board appoint a second Clerk Pro Tem to perform the duties of the Town Clerk in the absence or inability to act of the Town Clerk and Clerk Pro Tem.

Staff recommends that the Board of Trustees approve Resolution No. 873-21, appointing Rachel Summers as the second Clerk Pro Tem. Ms. Summers will continue to act as Deputy Town Administrator.

TRUSTEE VITTUM MOVED, TRUSTEE SUS SECONDED to approve Resolution 873-21, a resolution appointing a second Clerk Pro Tem. The voting was as follows:

YES: Harrell, Oakley, Pindell, Smith, Sus, Vittum
NO: None
EXCUSED: Pulliam

Mayor Royce Pindell declared the motion carried by unanimous vote.

Christina Hart, Town Clerk, administrated the Oath of Office of Second Clerk Pro Tem to Rachel Summers.

6. TOWN ADMINISTRATOR REPORT

Town Administrator

Trish Stiles, Town Administrator reported on the following:

- The Town of Bennett will be auctioning surplus items on June 5, 2021. The surplus items will be delivered to Linnebur Auctions in Byers, Colorado, where the auction will be held.
- The Highway 79 widening is slated for completion in mid-June 2021.
- The Bennett Community Center parking lot is currently under construction. The community center is slated to re-open for rental reservations in July 2021. The caissons for the light poles have been drilled and installed.
- Staff will continue to work remotely embracing technology. Staff appreciation was recognized with a bar-b-que.
- Staff is working through various Intergovernmental Agreements (IGA) as they relate to the Bennett Recreation District. Begin communications to get those "cleaned up".
- Ms. Stiles had a wonderful vacation.
- Hybrid board retreat June 4, 2021.
- Schedule on track for the design for signalization for Marketplace Drive.
- Mr. Johnson attended a kick-off meeting with CDOT for Exit 304.
- The Town of Bennett plans on pursuing a grant for electric car charging stations to be installed at designated places in the Town. The Town has identified Town Hall as one place as well as reaching out to QuikTrip and King Soopers for a charging station locations.

- The Model Traffic Code addresses the Jake Brake noise, however, Melinda Culley, Town Attorney, is drafting a specific ordinance addressing certain specifications of the Jake Brake noise, which will be presented to the Trustees during a board meeting for consideration.

8. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Larry Vittum

Trustee Vittum reported on the following;

- Attended Department of Regional Council of Government (DRCOG) on May 19th. The former Mayor of Greenwood Village, Ron Rakowsky, was the recipient of The John V. Christensen award.
- The May 19th, 2021 DRCOG meeting focused on Senate Bill 260 (SB260) concerning the sustainability of the transportation system in Colorado, and, in connection therewith, creating new sources of dedicated funding and new state enterprises to preserve, improve, and expand existing transportation infrastructure, develop the modernized infrastructure needed to support the widespread adoption of electric motor vehicles, and mitigate environmental and health impacts of transportation system use; expanding authority for regional transportation improvements; and making an appropriation.

Whitey Oakley

Trustee Oakley reported on the following;

- Attended her first Town Engage, Shape, Build as a Trustee. Trustee Oakley thanked staff for hosting the successful event. She enjoyed interacting with the community.
- Mayor Pindell and Trustee Oakley recently spent some time door canvassing in the west section of Bennett Crossing encouraging the residents to attend board meetings to enhance their opportunity to have their voice heard as well as keeping up to date on what's happening in the Town of Bennett. Trustee Sus expressed interest in teaming up with another Trustee to continue the door canvassing within the Town.

Donna Sus

Trustee Sus reported on the following;

- Trustee Sus is interested in teaming up with another Trustee to continue canvassing the community encouraging residents to attend board meetings.

Darvin Harrell

Mayor Pro Tem Harrell reported on the following;

- Inquired about parking citations being issued on Marketplace Drive.
- Who is responsible for the criteria to sound the tornado siren in the Town of Bennett? Would like to see a Bennett Watkins Fire Rescue official attend a future board meeting.

Royce Pindell

Mayor Pindell reported on the following;

- The Metro Mayors Caucus recently honored Herb Atchison, Mayor of Westminster. There was also discussion surrounding electric vehicles not paying gasoline tax, but potentially charge an electric charging station fee.
- Mayor Pindell addressed comments made by the Bennett School District 29J, regarding the Town of Bennett, that were published in the I-70 Scout on May 25, 2021. Mayor Pindell requested Melinda Culley, Town Attorney, prepare a draft to explain the steps to remove the

Chapter 16 section of the school dedication requirement IGA ordinance between the Town of Bennett and Bennett School District 29J.

9. **ADJOURNMENT**

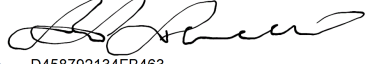
TRUSTEE SMITH MOVED, TRUSTEE VITTUM SECONDED to adjourn the meeting. The meeting was adjourned at 8:32 p.m. Voting was as follows:

YES: Oakley, Pindell, Smith, Sus, Vittum, Harrell

NO: None

EXCUSED: Pulliam

The Mayor declared the motion carried by unanimous vote.

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Royce D. Pindell, Mayor

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Christina Hart, Town Clerk